

Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMRIK GILL and HARNIT GILL, husband and wife and the marital community comprised thereof,

No. 2:18-cv-00244 RAJ

**STIPULATED MOTION AND ORDER
REMANDING CASE TO SUPERIOR
COURT**

Plaintiffs,

VS.

SAFECO INSURANCE COMPANY OF AMERICA, a foreign insurance company; and AMERICA'S ELITE INC., a Washington corporation,

Defendants.

STIPULATION

Plaintiffs Amrik Gill and Harnit Gill, and defendants Safeco Insurance Company of America (“Safeco”) and America’s Elite, Inc. (“AEI”), hereby jointly move and stipulate to an order remanding this action to the King County Superior Court, State of Washington.

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CAUSE NO. 2:18-CV-00244

2036158 / 1377.0037

FORSBERG & UMLAUF, P.S.
ATTORNEYS AT LAW
901 FIFTH AVENUE • SUITE 1400
SEATTLE, WASHINGTON 98164-1039
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1 On February 15, 2018, pursuant to 28 USC §§ 1332, 1441 and 1446, defendants jointly
2 removed this case from the Superior Court of the State of Washington, County of King, to the
3 United States District Court, Western District of Washington, based on diversity of citizenship
4 and the amount in controversy exceeding \$75,000. In their Joint Notice to Removal (*see* Docket
5 at 2), defendants alleged that plaintiffs' claims against AEI were without merit, and that AEI was
6 thus fraudulently joined in order to defeat diversity jurisdiction.

7 On March 1, 2018, plaintiffs filed a Motion to remand this matter back to State Court, on
8 the basis that—*inter alia*—their Complaint asserted a valid negligence claim against AEI (*see*
9 Docket at 16).

10 Neither Safeco nor AEI wish to oppose plaintiffs' Motion to Remand. As such, IT IS
11 HEREBY STIPULATED, by and between the parties hereto through their respective attorneys,
12 as follows:

13 1. Pursuant to 28 U.S.C. §§ 1447(c) and 1447(d), all further proceedings in this case
14 are REMANDED to the Superior Court for King County in the state of Washington, without fees
15 or costs to either party;

16 2. The Clerk of the Court shall send copies of this order to all counsel of record for
17 all parties,

18 3. Pursuant to 28 U.S.C. § 1447(c), the Clerk of the Court shall mail a certified copy
19 of the order of remand to the Clerk of the Court for the Superior Court for King County,
20 Washington,

21 4. The Clerk of the Court shall also transmit the record herein to the Clerk of the
22 Court for the Superior Court for King County, Washington,

23

1 5. The parties shall file nothing further in this matter, and instead are instructed to
2 seek any further relief to which they believe they are entitled from the courts of the state of
3 Washington, as may be appropriate in due course, and

4 6. The Clerk of the Court shall CLOSE this case.

5 The foregoing is so stipulated by the parties through their undersigned counsel, and
6 presented to the Court for endorsement.

7

8 Dated this 7th day of March, 2018.

9 **FORSBERG & UMLAUF, P.S.**

10 s/ Miles J.M. Stewart
11 Matthew S. Adams, WSBA No. 18820
12 Miles J.M. Stewart, WSBA No. 46067
13 *Attorneys for Defendant*
14 *Safeco Insurance Company of America*

5 Dated this 7th day of March, 2018.

6 **PREG O'DONNELL & GILLETT**

7 s/ Debra Dickerson
8 Mark F. O'Donnell, WSBA No. 13606
9 Debra Dickerson, WSBA No. 20397
10 *Attorneys for Defendant*
11 *America's Elite Inc.*

12 Dated this 7th day of March, 2018.

13 **KELLER ROHRBACK, LLP**

14 Ian S. Birk
15 William C. Smart, WSBA No. 8192
16 Ian S. Birk, WSBA No. 31431
17 Kathryn M. Knudsen, WSBA No. 41075
18 *Attorneys for Plaintiffs*

19

20 STIPULATED MOTION AND ORDER
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24 **FORSBERG & UMLAUF, P.S.**
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ORDER

THEREFORE, it is hereby ORDERED as follows:

1. Pursuant to 28 U.S.C. §§ 1447(c) and 1447(d), all further proceedings in this case are REMANDED to the Superior Court for King County in the state of Washington, without fees or costs to either party;

2. The Clerk of the Court shall send copies of this order to all counsel of record for all parties,

3. Pursuant to 28 U.S.C. § 1447(c), the Clerk of the Court shall mail a certified copy of the order of remand to the Clerk of the Court for the Superior Court for King County, Washington,

4. The Clerk of the Court shall also transmit the record herein to the Clerk of the Court for the Superior Court for King County, Washington,

5. The parties shall file nothing further in this matter, and instead are instructed to seek any further relief to which they believe they are entitled from the courts of the state of Washington, as may be appropriate in due course, and

6. The Clerk of the Court shall CLOSE this case.

DATED this 13th of March, 2018.

A handwritten signature in black ink that reads "Richard A. Jones". The signature is fluid and cursive, with the first name "Richard" and the middle initial "A." being more distinct, while the last name "Jones" is written in a flowing script.

The Honorable Richard A. Jones
United States District Judge